

3/17/82

Docket Numbers
EC-1779-716-70
EEOC 011792069

Leonard Briscoe)
New Hampshire Commission for)
Human Rights)
and)
E. D. Swett Company)

FINDINGS and ORDER

I. Procedural Background

1. Complainant Leonard Briscoe, a black male, filed a timely charge of race discrimination in employment against Respondent E. D. Swett Company, with the New Hampshire Commission for Human Rights (NHCHR) and the United States Equal Employment Opportunity Commission (EEOC) on July 11, 1979. EEOC deferred processing of the charge to the NHCHR under the provisions of Section 706(c) of Title VII of the U.S. Civil Rights Act of 1964 as amended (42 USC § 2000e, et seq.).
2. The charge was investigated and a Finding of Probable Cause was made by Commissioner James Donchess.
3. As all attempts at conciliation failed, a Public Hearing was held on February 11, 1981, before Commissioners Nancy Richards-Stower, Gail F. Paine, and Robert J. Normandeau.
4. The complaint was presented at Hearing by Merryl Gibbs, Acting Executive Director of the NHCHR. Complainant was represented by Vincent P. Dunn, Esq.; Respondent was represented by Donna Purkhiser, Legal Assistant with the law firm of Devine, Millimet, Stahl and Branch.

II. Findings of Fact

1. Respondent is a construction company engaged in construction projects at various job sites in the state of New Hampshire. During 1979 Respondent was engaged in a project at Lisbon, N.H., which employed thirty-five people between January 1, 1979, and October 8, 1979. The superintendent of this project was Elwin Grace.
2. Most of Respondent's work is seasonal and most employees are laid off in late fall or early winter and re-apply in the spring.
3. It is Respondent's practice to do almost all construction worker hiring at the job site, in accord with normal hiring practices in the construction industry. Applicants apply to the job superintendent on the job site. No written applications are used on the job site.

4. Respondent's hiring and layoff policies include a policy of seniority preference. An applicant who has previously worked for E. D. Swett and is re-applying after a layoff is preferred to a new applicant who has never worked for the company, where both are qualified for the job opening in question. An applicant with more seniority is also preferred over an applicant with less seniority.
 5. Respondent has a written policy of equal opportunity employment without discrimination on account of race and is subject to periodic equal employment review by the N.H. Department of Public Works and Highways. As of October 24, 1979, Respondent had never received an unsatisfactory review.
 6. Complainant is a black male with construction experience as both a general laborer and carpenter. He was trained as a carpenter at the North Bennet Street Industrial School in Boston, Massachusetts, receiving a diploma from a carpentry course in 1966.
 7. Complainant worked for E. D. Swett as a laborer at a construction project in Hart's Location, N.H., from July, 1978, until November, 1978, when he was laid off. The job superintendent at Hart's Location was Elwin Grace.
 8. Complainant testified at Hearing that when he applied at Hart's Location he informed Grace that he was qualified as both laborer and carpenter. Grace offered Complainant a job as a laborer and Complainant accepted it. Complainant worked at Hart's Location until he was laid off in November, 1978. Complainant has made no allegation that this layoff was discriminatory.
 9. Complainant first applied for work at Respondent's Lisbon, N.H., project some time between the middle and the end of March 1979. He subsequently applied for work at the Lisbon site on between four and six occasions in April, May, and June.
 10. A written, unsworn statement by Paul DeLong states that DeLong went with Complainant to the Lisbon job site in the second week of April.
 11. Christopher Ball testified at Hearing that he went to the Lisbon job site with the Complainant once at the end of March and once in the third week in April.
 12. George Stroup testified that he went to the Lisbon site with Complainant in late April or early May.
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13. Each time Complainant went to the Lisbon site he spoke to superintendent Elwin Grace or timekeeper Arthur Strain, or both. Each time Complainant asked if there were any job openings, and each time he was told that there were none.
14. Complainant testified that he did not specify to Grace or Strain what type of work he was looking for at Lisbon. He stated that since he had previously told Grace that he was qualified to be a laborer or a carpenter, he expected to be considered for both types of openings.
15. On April 27, 1979, C. Sullivan, a white male who had not previously worked for E. D. Swett, was hired as a laborer on the Lisbon site.
16. On May 9, 1979, J. Hatch, a white male who had not previously worked for E. D. Swett, was hired as a laborer on the Lisbon site.
17. On June 11, 1979, A. Leach, a white male who had not previously worked for E. D. Swett, was hired as a carpenter on the Lisbon site.
18. Complainant was the only black who applied for work at the Lisbon site in 1979.
19. Complainant was never offered a job at Respondent's Lisbon job site.
20. Superintendent Grace testified at Hearing that he remembered Complainant from the Hart's Location project and that Complainant was a good worker.
21. Grace and Strain testified that they did not know that Complainant had training and experience as a carpenter, and that Complainant first came to the Lisbon site looking for work in the middle of May and not before. In view of the other evidence described above, the Commission does not credit this testimony.

Therefore, the Commission FINDS that Respondent, in violation of its policy of seniority preference, hired three white applicants with no seniority but did not hire Complainant, that Respondent has failed to articulate a credible non-discriminatory reason for these actions and that Respondent, in hiring these three white applicants and not hiring Complainant, discriminated against Complainant because of his race and color.

III. Damages

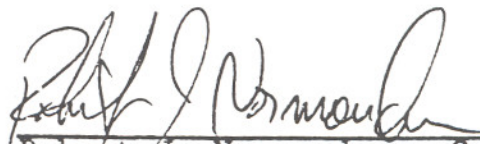
1. Of the three white employees hired instead of Complainant, Sullivan, hired April 27, 1979, worked fourteen weeks at \$6.96 per hour, earning approximately \$4,917, and the others earned lesser amounts.
2. If Complainant had been hired on April 27, 1979, he would normally have been kept on the job longer than Sullivan because of his seniority. Five workers with seniority comparable to Complainant's did work at Lisbon in 1979, and all were still working as of October 8, 1979, while Sullivan was laid off August 3, 1979.
3. Complainant was unable to secure employment elsewhere between April 27, 1979, and June 26, 1979.
4. Complainant was employed by the Pizzagelli Construction Company beginning June 26, 1979.
5. Complainant's calculable back pay is \$2,338.56 (\$6.96 per hour, 40 hours/week, for the period April 27 through June 25, 1979).
6. Complainant was subjected to an extremely humiliating experience of racial discrimination, above described, by virtue of being repeatedly denied work while whites without seniority were being hired, and he is therefore deserving of compensatory damages beyond his back pay award and attorney's fees.

IV. Order

1. Respondent, E. D. Swett Company, is Ordered to pay Complainant \$2,338.56 in back pay and \$1,000.00 in compensatory damages, for a total of \$3,338.56. This payment shall be made by certified check payable to the Complainant and forwarded to the Commission at 61 South Spring Street, Concord, NH, by certified mail, return receipt requested.
2. Respondent is further ordered to pay Complainant's attorney \$750 in attorney's fees. This payment shall be made by certified check payable to Vincent P. Dunn, Esq., and forwarded to the Commission in the same manner as the payment in paragraph 1.

SO ORDERED.

Findings and Order - Briscoe v. E. D. Swett Company



Robert J. Normandeau, Commissioner



Nancy Richards-Stower, Commissioner



Gail F. Paine, Commissioner

THE STATE OF NEW HAMPSHIRE

HUMAN RIGHTS COMMISSION

In Re: Leonard Briscoe

v.

E.D. Swett, Inc.

FINDINGS OF FACT AND RULINGS OF LAW

NOW COMES Leonard Briscoe and requests the Commission make the following Findings of Fact and Rulings of Law:

Findings of Fact

1. That Leonard Briscoe having completed a term of employment with E.D. Swett, Inc. in 1978 had accumulated some seniority and preferential treatment by virtue of that seniority should have secured his employment with E.D. Swett, Inc. during the spring of 1979.

2. That during his term of employment in 1978 Leonard Briscoe advised Grace that he was a qualified carpenter and had documentary support of that contention.

3. That on or about March 15, 1979 Leonard Briscoe re-applied for employment with E.D. Swett, Inc. as either a laborer or a carpenter in Lisbon, New Hampshire at the appropriate work site and to the appropriate supervisors

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

MERRIMACK, SS.

No. 81-E-182

E.D. Swett, Inc.

v.

Leonard Briscoe and New Hampshire
Commission for Human Rights

ANSWER TO PETITION FROM ORDER

NOW COMES the New Hampshire Commission for Human Rights,
Defendant in the above, and answers the petition as follows:

1. Defendant admits the allegations of paragraph 1.
2. Defendant denies the allegations of paragraph 2. The legal standard under RSA 354-A:10 is whether the Commission's findings are supported by sufficient evidence on the record considered as a whole, and it is entitled to weigh the credibility of Petitioner's evidence, and disbelieve same. Its finding cited herein is presumptively valid.
3. Defendant denies the allegations of paragraph 3. (See answer to paragraph 2.)
4. Defendant denies the allegations of paragraph 4. (See answer to paragraph 2.)
5. Defendant denies the allegations of paragraph 5 insofar as the substance of said petition is concerned.

WHEREFORE, the Defendant moves:

- (a) that the Court issue an order requesting that the record before the Commission be certified to the Court;

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N. H. COMMISSION
FOR HUMAN RIGHTS

NEW HAMPSHIRE COMMISSION
FOR HUMAN RIGHTS

Re: Briscoe v. E. D. Swett, Inc.
 #EC-1779-716-70
 EEOC #011792069

RESPONDENT'S VERIFIED ANSWER

Pursuant to Rule 3 of the Commission's Rules of Practice and Procedure, the Respondent makes the following answer to the charge of discrimination filed by the Complainant Leonard Briscoe:

Answer to Par. 1: The Respondent admits that the Complainant worked for E. D. Swett, Inc., during 1978 prior to applying for work in the 1979 season. Company records indicate that Leonard Briscoe was employed as a laborer on the Harts Location (N.H.) Project from 7/26/78 to 11/1/78. Mr. Briscoe was laid off on 11/1/78 in the course of winding down the work in preparation for the winter shut-down. These dates vary slightly from those given by Mr. Briscoe in his complaint, "from July 15 - Nov. 1, 1978 (approx)". The Respondent is without knowledge or information as to the period during which Mr. Briscoe may have received unemployment compensation, but agrees that his layoff from E. D. Swett, Inc., was effective on 11/1/78.

Answer to Par. 2: The Respondent has no knowledge of any visit to the job site in Lisbon, New Hampshire, made by Mr. Briscoe

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NEW HAMPSHIRE COMMISSION

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FOR HUMAN RIGHTS

FOR HUMAN RIGHTS

Re: Briscoe v. E.D. Swett, Inc.
No. EC-1779-716-70
EEOC No. 011792069

BRIEF FOR RESPONDENT

The issue now before this Commission is whether or not Leonard Briscoe would have been hired by the Respondent in 1979 but for his color. There is conflicting testimony about when Mr. Briscoe actually applied for work at the Lisbon Project site in 1979. However, there are several points which are not at all in dispute.

Seniority is not an issue here. The Complainant Leonard Briscoe was employed as a laborer at Respondent's Hart's Location Project from July 26, 1978 to November 1, 1978, and for purposes of seniority was credited with this time. Respondent has acknowledged that this prior employment gave Mr. Briscoe "seniority" over "new hires" and over others who had worked less time for E.D. Swett. (See, e.g. Complainant's Exh. 1, 2,) Leonard Briscoe has never contended that his "seniority" was erroneously calculated, or that he should have

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N. H. COMMISSION
FOR HUMAN RIGHTS

Re: Briscoe v. E. D. Swett, Inc.
No. EC-1779-716-70
EEOC No. 011792069

RESPONDENT'S REQUESTS FOR FINDINGS
OF FACT AND RULINGS OF LAW

NOW COMES the Respondent, E. D. Swett, Inc., by its attorneys, in the above-captioned matter and requests the Commission to make the following findings of fact and rulings of law:

Findings of Fact

1. The Complainant Leonard Briscoe applied for work at Respondent's Hart's Location (N.H.) Project in 1978 and was hired by the same project superintendent, Elwin H. (Slim) Grace, who was later project superintendent on the Respondent's Lisbon (N.H.) Project in 1979.
2. Mr. Briscoe was employed by Respondent as a general laborer on the Hart's Location Project from July 26, 1978 to November 1, 1978, when he was laid off due to decreasing work requirements and preparation for the winter shutdown.
3. In the construction industry, seasonal layoffs are commonplace. Mr. Briscoe's layoff was consistent with general practice, and there has been no allegation by him of any discrimination in connection with his layoff by superintendent Grace on November 1, 1978. (Agency Exh. 1)

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NEW HAMPSHIRE COMMISSION

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N. H. COMMISSION
FOR HUMAN RIGHTS

Re: Briscoe v. E. D. Swett, Inc.
No. EC-1779-716-70
EEOC No. 011792069

RESPONDENT'S MOTION TO STRIKE COMPLAINANT'S TESTIMONY ON ALLEGED "BLACKLISTING"; AND IN THE ALTERNATIVE, RESPONDENT'S APPLICATION FOR REOPENING OF PROCEEDINGS PURSUANT TO COMMISSION'S RULE 4(b)(2).

NOW COMES the Respondent, E.D. Swett, Inc., by its Attorneys, in the above captioned matter and moves to have stricken from the record certain testimony by the Complainant Leonard Briscoe at the Public Hearing on February 11, 1981, about events outside the scope of his verified Complaint. In the alternative, in the event that such testimony is not stricken, Respondent asks that the hearing proceedings be reopened, pursuant to Rule 4(b)(2) of the Commission's Rules of Practice and Procedure, so that Respondent may introduce evidence bearing on the "blacklisting" alleged by the Complainant at the close of the hearing on February 11, 1981. In support of this Motion to Strike, and, in the alternative, to Reopen the Proceedings, Respondent says as follows:

1. On or about July 11, 1979, the Commission received a verified complaint dated July 9, 1979, from Leonard Briscoe.
2. The complaint filed by Mr. Briscoe charged employment discrimination in hiring on account of color, arising out of events occurring on or before June 1, 1979.
3. In his complaint Mr. Briscoe states as follows:

"My third visit looking for work this season was on May 17, 1979 at which

NEW HAMPSHIRE COMMISSION

FOR HUMAN RIGHTS

Re: Briscoe v. E. D. Swett, Inc.
No. EC-1779-716-70
EEOC No. 011792069

OBJECTION TO RESPONDENT'S MOTION TO STRIKE COMPLAINANT'S
TESTIMONY ON "BLACKLISTING"; AND IN THE ALTERNATIVE,
RESPONDENT'S APPLICATION FOR REOPENING PURSUANT TO RULE 4(b)(2)
OF THE COMMISSION RULES

NOW COMES the Complainant, Leonard Briscoe, and
objects to the Respondent's Motion to Strike and Alternative
Application to Reopen and says as follows:

1. That the testimony on "blacklisting" to which
Respondent objects was testimony responsive to the questioning
of the Commissioners present at the hearing on February 11, 1981
2. That such questioning was an appropriate and
relevant adjunct to the Respondent's cross-examination of the
Complainant and protracted examination on re-direct and re-cross
of other witnesses.
3. That Respondent's request for reopening is not
supported by sufficient cause to satisfy Rule 4(b)(2).

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N. H. COMMISSION
FOR HUMAN RIGHTS

THE STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK, SS.

APRIL TERM, 1981

SUPERIOR COURT
Eq. No. 81-E-178

E. D. SWETT, INC.

v.

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

MOTION TO AMEND
PETITION FOR MODIFICATION
OF ORDER OF COMMISSION

NOW COMES your Petitioner in the above-captioned matter and moves this Court to amend paragraph 6 of the Petition by deleting the first sentence and the introductory word "However" from the second sentence therein, so that the amended paragraph reads as follows:

6. The award of compensatory damages and attorney's fees are objected to on the ground that the Commission is without authority to make either of these awards, as more fully set forth in Exhibit B hereto, which is incorporated and made a part of this Petition as if fully set forth herein.

Your Petitioner moves to amend paragraph 6 in that:

1. The Petition for Modification of Order of Commission filed on July 9, 1981, is intended to raise the issues of the authority of the New Hampshire Commission for Human Rights to make awards of compensatory damages or attorney's fees.

2. The Petition for Modification filed on July 9, 1981 does not question the authority of the Commission to make awards of back pay. This authority is set forth in N.H. RSA 354-A:9.

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

MERRIMACK, SS.

NO. 81-E-178

E.D. Swett, Inc.

v.

New Hampshire Commission for Human Rights

ANSWER TO PETITION FOR MODIFICATION

NOW COMES the New Hampshire Commission for Human Rights, by its attorneys, and answers the above-captioned petition, as amended, as follows:

1. Defendant admits the allegations contained in paragraphs 1, 2, 3, and 4.
2. Defendant denies the allegations contained in paragraphs 5, 6 (as amended), and 7.

WHEREFORE, the Defendant Commission for Human Rights moves that said petition, and prayers for relief, be dismissed.

Dated: Concord, New Hampshire
September 24, 1981

Respectfully submitted,

COMMISSION FOR HUMAN RIGHTS

By its Attorneys,

Gregory H. Smith
Attorney General

James E. Townsend
Assistant Attorney General

Leonard Briscoe
New Hampshire Commission for
Human Rights .

and

E. D. Swett Company

MOTION DENIED

Respondent's Motion for Reconsideration of the Commission's awards of compensatory damages and attorney's fees is hereby denied.

1. The New Hampshire Law Against Discrimination, RSA354-A:9, authorizes the Commission for Human Rights to order a respondent found in violation "to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay ... as in the judgment of the Commission, will effectuate the purpose of this chapter ..." It is clear from the reference to back pay that certain types of monetary damages are to be included as possible forms of "affirmative action" that the Commission may order. The statute also states clearly that the types of action that the Commission may order are not limited to those specifically enumerated. Other types of awards may be made, when "it is the judgment of the Commission," they "will effectuate the purpose of this chapter."
2. The provisions of the Law Against Discrimination are to be "construed liberally for the accomplishment of the purposes thereof."
3. The New Hampshire Supreme Court indicated in Scarborough v. Arnold (Scarborough I) that, when interpreting "RSA354-A, as amended (Supp 1975) it is helpful to look at the experience of the federal courts in construing the similar provisions of Title VII of the 1964 Civil Rights Act," Scarborough I, 117 NH 803,807. (1980) (emphasis added)
4. On the question of allowable relief, Title VII differs from RSA354-A. Under Title VII, a court which finds a respondent in violation may "order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay ... or any other equitable relief as the court deems appropriate."

Leonard Briscoe
New Hampshire Commission for
Human Rights

and

E. D. Swett Company

DENIAL
of
MOTION

Respondent's Motion to strike Complainant's testimony on alleged "blacklisting"; and in the alternative, Respondent's application for reopening of proceedings pursuant to Commission's Rule 4(b)(2), is hereby DENIED.

The Motion is denied for the following reasons:

1. The testimony in question was appropriate and relevant to the matters alleged in the complaint.
2. Respondent had full opportunity to object to this testimony while it was in progress and prior to the close of the Hearing, and Respondent failed to so object until after the Hearing had been declared closed, thereby waiving any right to objection.

THE STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK, SS.

APRIL TERM, 1981

SUPERIOR COURT
Eq. No.

E. D. SWETT, INC.

and

LEONARD BRISCOE
NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

PETITION FROM ORDER OF THE COMMISSION

NOW COMES Petitioner E. D. Swett, Inc., a corporation organized and existing under the laws of the State of New Hampshire, having its principal office on Sheep Davis Road (Post Office Box 586) in Concord, New Hampshire, pursuant to N. H. RSA 354-A:10, in the matter of Briscoe v. E. D. Swett, Inc., No. EC-1779-716-70, EEOC No. 011792069, and appeals from the Findings and Order of the New Hampshire Commission for Human Rights (Commission), and says as follows:

1. On June 11, 1981 the Commission issued its Findings and Order which had as its ultimate finding:

that Respondent has failed to articulate a credible non-discriminatory reason for these actions and that Respondent, in hiring these three white applicants and not hiring Complainant, discriminated against Complainant because of his race and color.

Commission's Findings and Order, page 3, Exh. A to Petition for Modification of Order of Commission filed on July 9, 1981, in Eq. No. 81-E-178, also Exhibit A hereto.

2. Your Petitioner states that it did articulate a credible nondiscriminatory reason which the Commission has either overlooked or erroneously given no weight, and which the evidence did not disprove.

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NEW HAMPSHIRE COMMISSION

FOR HUMAN RIGHTS

N. H. COMMISSION/
FOR HUMAN RIGHTS

Re: Briscoe v. E. D. Swett, Inc.
 No. EC-1779-716-70
 EEOC No. 011792069

RESPONDENT'S OBJECTION TO AWARD OF COMPENSATORY DAMAGES
AND ATTORNEY'S FEES; AND MOTION FOR RECONSIDERATION

NOW COMES the Respondent, E. D. Swett, Inc., in the above-captioned matter and objects to the Commission's award of compensatory damages and attorney's fees in its Findings and Order of June 11, 1981, as follows:

1. In Part IV (Order) of the Commission's decision in the case, Respondent is ordered to pay the Complainant, in addition to back pay, One Thousand Dollars (\$1,000.00) in compensatory damages. (Part IV, para. 1)

2. This award of compensatory damages is based on the Commission's conclusion, in Part III (Damages) of its decision, that: "Complainant was subjected to an extremely humiliating experience..." (Part III, para. 6)

3. Respondent is further ordered to pay Complainant's attorney's fees in the amount of Seven Hundred Fifty Dollars

NEW HAMPSHIRE COMMISSION
FOR HUMAN RIGHTS

Re: Briscoe v. E.D. Swett, Inc.
No. EC-1779-716-70
EEOC No. 011792069

COMPLAINANT'S OBJECTION TO RESPONDENT'S
MOTION FOR RECONSIDERATION

NOW COMES Leonard Briscoe, Complainant, in the above
entitled matter and says as follows:

1. The New Hampshire Commission for Human Rights
under RSA 354-A:9, II is authorized to order enumerated remedies
but is not limited to those remedies enumerated.

2. The award of compensatory damages and the award
of attorney's fees are remedies within the discretionary purview
of the New Hampshire Commission for Human Rights and its power
as delegated.

3. The Federal Employment Discrimination Law, Title VII
of the Civil Rights Act of 1964 is not dispositive in defining
the remedial powers of the New Hampshire Commission for Human
Rights.

WHEREFORE, the Complainant respectfully requests that
the Commission deny Respondent's Motion to Reconsider the
Commission's June 11, 1981 order.

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**N. H. COMMISSION
FOR HUMAN RIGHTS**

VINCENT P. DUNN
NORTH MAIN STREET
SECORD, N.H. 03301

THE STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK, SS.

APRIL TERM, 1981

SUPERIOR COURT

Eq. No.

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E. D. SWETT, INC.

N. H. COMMISSION
FOR HUMAN RIGHTS

v.

NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS

PETITION FOR MODIFICATION
OF ORDER OF THE COMMISSION

NOW COMES Petitioner E. D. Swett, Inc., a corporation organized and existing under the laws of the State of New Hampshire, having its principal office on Sheep Davis Road (Post Office Box 586) in Concord, New Hampshire, and complains against the New Hampshire Commission for Human Rights, 61 South Spring Street, Concord, New Hampshire, pursuant to N.H. RSA 354-A:10, and says as follows:

1. On June 11, 1981, the New Hampshire Commission for Human Rights (hereinafter Commission) issued its Order and Findings in the case of Briscoe v. E. D. Swett, Inc., No. EC-1779-716-70, EEOC No. 011792069. (Copy attached hereto as Exhibit A)

2. The Commission ordered your Petitioner to pay the Complainant Briscoe \$2,338.56 in back pay and \$1,000.00 in compensatory damages, for a total of \$3,338.56. (Exh.A)

3. The Commission further ordered your Petitioner to pay Complainant's attorney \$750 in attorney's fees. (Exh.A)

The State of New Hampshire

MERRIMACK, SS.

SUPERIOR COURT

The attached Bill in Equity having been filed in the office of the Clerk of this Court, on JULY 10, 1981;

IT IS ORDERED, that the said Plaintiff _____

notify the said Defendant s _____ of the pendency of this action, and summon them to file a written appearance with the Superior Court Clerk's Office, 163 North Main Street, Concord, New Hampshire 03301, by the return day of September 1,, 19 81, to show cause, if any exist, why the relief requested in the Bill in Equity should not be granted, by causing a true copy of the Bill in Equity and this Order to be served in hand or left at the abode of the said Defendant s Leonard Briscoe and service to be made one of the members of the N. H. Commission for Human Rights, on the Governor of the State of New Hampshire or one of the members of the Governor's Council and on the Secretary of State for said State,

at least fourteen days before the return day; and to file proof of service with the Clerk of this Court.

IT IS FURTHER ORDERED, That said Defendants ~~each of them~~ ^{each of them} file his/~~her~~ ^{its} answer in writing with the Clerk of this Court and deliver a copy thereof to the Plaintiff's Attorney, Joseph A. Millimet, Esquire, by October 1, 1981; otherwise said Bill shall be taken as confessed.

Devine, Millimet, Stahl & Branch, Esqs., Attest: _____
Attorneys for Plaintiff

JOHN M. SAFFORD
Commissioner to Perform the Duties of Clerk

The foregoing is a true copy of a Bill in Equity, filed as aforesaid, and of the order of notice thereon.

Attest: _____

John M. Safford
Commissioner to Perform the Duties of Clerk

CLERK'S OFFICE
MERRIMACK COUNTY SUPERIOR COURT
163 NORTH MAIN STREET
CONCORD, NEW HAMPSHIRE 03301